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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,615	02/12/2002	Michael F. Wright	RYL 2 0535-3-4	6318
7590	10/31/2003		EXAMINER	
Patrick R Roche Fay Sharpe Fagan Minnich & McKee LLP 1100 Superior Avenue Seventh Floor Cleveland, OH 44114-2518			TILL, TERRENCE R	
			ART UNIT	PAPER NUMBER
			1744	
			DATE MAILED: 10/31/2003	

11KB

Please find below and/or attached an Office communication concerning this application or proceeding.

11KB

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/074,615	WRIGHT ET AL.
	Examiner Terrence R. Till	Art Unit 1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 07 April 2003.

2a) This action is FINAL.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-65 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 1-65 is/are allowed.

6) Claim(s) \_\_\_\_\_ is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,3,5,6.

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.  
5) Notice of Informal Patent Application (PTO-152)  
6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Reissue Applications***

1. The reissue oath/declaration filed with this application is defective because it fails to identify at least one error which is relied upon to support the reissue application. See 37 CFR 1.175(a)(1) and MPEP § 1414.
2. The reissue oath/declaration filed with this application is defective (see 37 CFR 1.175 and MPEP § 1414) because of the following: Applicant did not specifically identify any error that made the patent partly inoperative or invalid. Rather, applicant provided a copy of the added claims to the declaration and stated that "This insufficiency in the claims applies to the new claims 23-65". This is unacceptable.
3. In addition, applicant's recitation of disclosing information "material to examination" is not an acceptable equivalent. 37 C.F.R. 1.63(b)(3) states (other sections left out for clarity):  
"(b) In addition to meeting the requirements of paragraph (a), the oath or declaration **must** (emphasis added) state that the person making the oath or declaration:  
(3) Acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in § 1.56."

### ***Claim Objections***

4. Claim 52 is objected to because of the following informalities: In claim 52, line 5, "ocated" should be --located--. Appropriate correction is required.

### ***Allowable Subject Matter***

5. Claims 1-65 are, or remain, allowed.

6. The following is an examiner's statement of reasons for allowance: Claims 1-22 remain allowed as patented claims. With respect to claim 23 the prior art does not disclose nor render obvious the claimed combination of subject matter, particularly a body section having a cyclonic airflow chamber, a main filter housing located within the cyclonic airflow chamber and connected to said body section, a filter element mounted in said main filter housing, wherein said main filter housing comprises a plurality of apertures so that an airstream can flow from said cyclonic airflow chamber into said main filter housing. With respect to claim 32, the prior art does not disclose nor render obvious the claimed combination of subject matter, particularly an upright body section having a cyclonic airflow chamber defined therein, a main filter housing connected to the upright body section, located within the cyclonic airflow chamber, a filter element mounted in said main filter housing, wherein said main filter housing comprises a plurality of apertures so that an airstream can flow from said cyclonic airflow chamber into said main filter housing. With respect to claim 42, the prior art does not disclose nor render obvious the claimed combination of subject matter, particularly a body section having a cyclonic airflow chamber, a main filter housing located within the cyclonic airflow chamber, a filter element mounted in said main filter housing, wherein said main filter housing comprises a plurality of apertures so that an airstream can flow from said cyclonic airflow chamber into said main filter housing. With respect to claim 52, the prior art does not disclose nor render obvious the claimed combination of subject matter, particularly a the prior art does not disclose nor render obvious the claimed combination of subject matter, particularly a body section having a cyclonic airflow chamber, a main filter housing located within the cyclonic airflow chamber, a filter element

selectively mounted in said main filter housing, wherein said filter element and said main filter housing cooperate to define a tortuous airflow path.

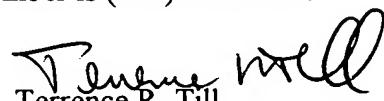
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terrence R. Till whose telephone number is (703) 308-1592. The examiner can normally be reached on Mon. through Thurs. and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on (703) 308-2920. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

  
Terrence R. Till  
Primary Examiner  
Art Unit 1744

trt